Capacity of One Woman to Carnally Abuse Another.—In State *v.* Burns, 72 Atlantic Reporter, 1083, a woman was convicted of the carnal knowledge and abuse of a girl under the age of sixteen. Pursuant to an agreement made by appellant with a male patron of her abhorrent pursuit, she procured a young girl, took her to the brothel over which she presided, and commanded her to go into a room thereof with her customer. While there the child was carnally known against her protest. Accused contended that her sex made her guilt impossible. The statute provides that "every person who shall assist, abet, counsel, cause, hire or command another to commit any offense" shall be guilty as a principal. The Connecticut Supreme Court of Errors held that a woman who abets a man in committing this offense may be prosecuted, informed against, and convicted as if she were the principal offender.

Disfigurement as Basis of Damages for Mental Suffering.—From a charge allowing the jury to consider on the subject of damages the humiliation resulting from the loss of an eye, an appeal is taken in United States Express Co. *v.* Wahl, 168 Federal Reporter, 848. The United States Circuit Court of Appeals remarking that there was a contrariety of decisions involving this point, adopted the decision of the Supreme Court in McDermott *v.* Severe, 26 Supreme Court Reporter, 709, and allowed a recovery. Where mental suffering producing embarrassment or humiliation as the result of the absence of a facial constituent is a direct and necessary consequence of the physical injury, its submission to the jury is proper.

Loss of Homestead by Divorce of Wife.—The North Dakota statute allows the head of a family a homestead exemption. One Holcomb, the owner of land there, was unfortunate enough to have a suit by his wife for divorce sustained and the custody of his only child awarded to her. For four days after the entry of this decree he lingered, and then passed beyond the jurisdiction of temporal courts. His creditors sought to exclude the child from a homestead right in his father's land. The North Dakota Supreme Court in Holcomb *v.* Holcomb et al., 120 Northwestern Reporter, 547, held that by the judgment in the divorce suit the family ties were severed, and that H. became a single person, and ceased to be the head of a family. The husband having possessed no homestead right in the premises, none could descend to his minor son.

Injury to Automobile at Crossing.—The duty of an automobile driver to stop, look, and listen before attempting to cross a railroad track is discussed by the Circuit Court of Appeals for the Third circuit in New York Cent. & H. R. R. Co. *v.* Maidment, 168 Federal Reporter, 21. Maidment, plaintiff in the lower court, while automo-

biling with a friend, stopped a short distance from defendant's double tracks to wait for a freight train to pass, and then started across without noticing an approaching passenger train on the other track, which struck his automobile, threw him out and injured him. He could see up this track only a very short distance from the point where he stopped to await the passage of the freight train, and made no subsequent stop at a more advantageous position to safeguard himself against danger. The court, holding plaintiff guilty of contributory negligence, and referring to the peculiar dangers incident to automobile travel, remarked that the driver owes a positive duty to stop, look and listen at a time and place which will insure knowledge of any approaching train

---

Negligent Injuries to Recipient of Charity.—A three-year old child accompanied his uncle, who was twelve, to a factory, the owner of which gave away empty barrels to poor people for use as kindling. Reaching there during the noon hour, while the servants were at rest, the older child gave one of them a nickel for his own use, and requested him to throw a barrel from the loft. The barrel struck and seriously injured the younger child, standing in the street. In Wallace *v.* John A. Casey Co., 116 New York Supplement, 394, the questions arose whether the servant's act in throwing out the barrel was done within the scope of his authority and within the line of his employment, and whether the doctrine of respondeat superior applied. The question involved has never before been raised. The New York Supreme Court remarked that there can certainly be no principle of natural justice which would require one engaged in charitable work to be liable to the recipients of his charity for the wrongs of others, if he use reasonable care in the selection of the means, and is guilty of no wrong himself. Holding a defendant liable upon the facts disclosed would be so shocking to a sense of right and wrong that the rule of respondeat superior cannot be extended to this case, and respondent cannot recover.

Athletic Association is Part of a University.—During a football game, conducted under the auspices of a university athletic association, one who had paid the regular admission fee was injured by the collapse of the structure on which he stood. From a judgment for plaintiff the association appealed in George *v.* University Athletic Ass'n, 120 Northwestern Reporter, 750, respondent's contention being that appellant was an association of individuals under a common name to promote athletics, and as an incident thereto to give exhibitions of games for profit, and that the fact that its membership was drawn from the faculty and students of the university did not change its essential character and make it a part of the university. The Supreme court of Minnesota, in an opinion from which two of the judges dissented,